

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

CHRISTINE CONFORTI,

Plaintiff,

v.

CHRISTINE GIORDANO HANLON, in her official capacity as Monmouth County Clerk, SCOTT M. COLABELLA, in his official capacity as Ocean County Clerk, and PAULA SOLLAMI COVELLO, in her official capacity as Mercer County Clerk,

Defendants.

**Case No. 3:20-cv-08267**

**MEMORANDUM/CERTIFICATION  
OF JAIME R. PLACEK, ESQ.  
SUBMITTED IN SUPPORT OF  
MOTION OF THE OFFICE OF THE  
BERGEN COUNTY CLERK TO  
INTERVENE AS AN INTERESTED  
PARTY**

I, Jaime R. Placek, Esq., do hereby certify as follows:

1. I am an attorney at law in the State of New Jersey and an associate with the law firm of Kaufman, Semeraro & Leibman, LLP, general counsel to the Office of the Bergen County Clerk, and as such I have personal knowledge of the facts set forth in this memorandum and certification.

2. The Office of the Bergen County Clerk was provided a copy of the Complaint filed by Plaintiff Christine Conforti (the "Plaintiff") initiating this action and asserting various claims related to alleged violations of Federal and New Jersey constitutional rights based upon claims concerning primary election ballot design and placement against named defendants Christine Giordano Hanlon, in her official capacity as the Monmouth County Clerk; Scott M. Colabella, in his official capacity

as the Ocean County Clerk; and Paula Sollami Covello, in her official capacity as the Mercer County Clerk (collectively, the “Defendants”).

3. Generally, Plaintiff’s Complaint (the “Litigation”) raises questions concerning the way Defendants’ enforce and administer ballot design and ballot placement laws. See Plaintiff’s Complaint, ECF Doc. 1. Plaintiff seeks a declaration that New Jersey’s primary election bracketing and ballot placement system is unconstitutional (Complaint, ¶ 8), and injunctive relief to “ensure that the primacy effect/positional bias does not continue to advantage bracketed candidates over other candidates running for the same office[.]” (See Plaintiff’s Complaint, ¶ 9.)

4. Plaintiff asserts claims against Defendants as county clerks “vested with certain statutory duties and obligations including but not limited to the designing, preparation, printing of all ballots, the issuance of mail-in ballots, and conducting a drawing for ballot positions for various elections[]” held in their respective counties. See Plaintiff’s Complaint, ¶¶ 17-20.

5. In addition, Plaintiff expressly identifies the Office of the Bergen County Clerk as a party in interest to this Litigation, asserting that:

The County Clerks for the remaining 18 counties in New Jersey are not parties to the Complaint but are being or will be furnished with a copy of the Complaint because they also enforce and administer ballot design and ballot placement laws which are called into question in this action in their respective counties: Atlantic, **Bergen**, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Middlesex, Morris, Passaic, Salem, Somerset, Sussex, Union and Warren.

[See Plaintiff’s Complaint ¶ 21 (emphasis added).]

6. The Office of the Bergen County Clerk desires to be informed on all updates as to this Litigation, and to reserve its place as an intervenor in the event the Office of the Bergen County Clerk determines it is necessary to further plead or file a motion to protect its interests should Plaintiff seek affirmative relief either against, or that will directly impact, the Office of the Bergen County Clerk.

7. Pursuant to Fed.R.Civ.P. 24(a)(2), the Office of the Bergen County Clerk is afforded intervention as of right, as a party who “claims an interest relating to the property or transaction that is subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest.”

8. As expressly represented, and affirmative plead, by Plaintiff in their Complaint, this Litigation may potentially result in an adverse impact upon the interest and practices of the Office of the Bergen County Clerk in carrying out the performance of its statutorily mandated election duties. The Defendants may not adequately represent the interests of the Office of the Bergen County Clerk, as the practices and procedures of Defendants with respect to balloting of primary election candidates may differ from those used by the Office of the Bergen County Clerk. As such, potential adjudication disqualifying or requiring certain practices and procedures may affect the Office of the Bergen County Clerk.

9. Alternatively, the Office of the Bergen County Clerk is entitled permissive intervention pursuant to Fed.R.Civ.P. 24(b)(1)(B), as the Office of the

Bergen County Clerk may have defenses “that shares with the main action a common question of law or fact.” The Office of the Bergen County Clerk has defenses that share with the main action in this Litigation, as the Plaintiff’s Complaint asserts alleged unconstitutional conduct throughout the State of New Jersey involving common questions of law and facts.

10. Intervention by the Office of the Bergen County Clerk will not delay or prejudice the adjudication of the original parties’ rights, as the Defendants have not yet responded to this litigation, and the Complaint was only recently filed. Fed.R.Civ.P. 24(b)(3),

11. The Office of the Bergen County Clerk’s Motion to Intervene is accompanied by a Notice of Appearance of Jaime R. Placek, Esq., as attorney of record of Intervenor Office of the Bergen County Clerk, who may assert certain defenses or claims to protect his interests as this Litigation progresses. See Exhibit A.

12. I certify that the above statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

s/Jaime Placek  
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DATED: October 1, 2020